



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable C. E. Evans, President
Southwest Texas State Teachers College
San Marcos, Texas

Dear Sir:

Opinion No. O-2616

Re: The status of a motor vehicle
purchased by a state teachers
college from student fees.

We acknowledge receipt of your letter of August 10, 1940, which states in part as follows:

"The College purchases from student activities fees an automobile for the transportation of students on certain athletic teams. Is this automobile a State motor vehicle in a legal sense? Must there be printed on the side of this automobile the words prescribed by the statutes of 1921 indicating ownership by the Southwest Texas State Teachers College? Is the use of this automobile on the same legal basis as a regularly owned automobile of the State of Texas and governed by the same general laws?"

Article 2654d, Vernon's Annotated Texas Statutes, gives "the governing boards" of the various institutions enumerated, including "Southwest Texas State Teachers College at San Marcos" the right to "retain control respectively of the following sums of money collected at each of said several institutions in carrying out the functions of an educational institution, such as funds collected from student fees of all kinds. . . ."

There is no basis for assuming that in leaving the control of these funds solely within the hands of the board that the Legislature intended that said funds should become any less state moneys. In fact, Section 3 of the same Article requires that separate accounts shall be kept at the institution "showing the sources of all sums collected, and the purposes for which expended", while Section 4 of the Article provides for a biennial printing of a report showing

Honorable C. E. Evans, Page 2

the receipts and disbursements of all funds handled by the institution. Finally, in Section 8a, the Article says that:

"* * * this law shall be subordinate and subservient to the biennial appropriation bills for the support of the several institutions herein mentioned."

To assume, as we do, that such funds are and remain state moneys is to say that any property or equipment purchased with such funds becomes the property or equipment of the state and is subject to all rules and regulations which the Legislature may have prescribed for such property or equipment.

You are respectfully advised, therefore, that it is the opinion of this department, that the automobile which you described as purchased from student fees for the purpose of transporting athletic teams is a state owned vehicle in the legal sense of the word, must be operated according to the rules and regulations which the Legislature has prescribed for the operation of state owned vehicles, and must be marked in accordance with Article 821 of the Texas Penal Code, Vernon's Annotated Criminal Statutes.

APPROVED AUG 19, 1940

Gov. Miller

ASSISTANT
ATTORNEY GENERAL

Very truly yours

ATTORNEY GENERAL OF TEXAS



By *Walter R. Koch*
Walter R. Koch
Assistant

WRK:jm